

SERVICE DATE – DECEMBER 23, 2002

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423**ENVIRONMENTAL ASSESSMENT****DOCKET NO. AB-33 (Sub No. 193X)\***  
**Union Pacific Railroad Company - Abandonment Exemption**  
**In Utah County, UT****BACKGROUND**

In the above entitled proceeding, Union Pacific Railroad Company (UPR), the Applicant, has filed a notice of exemption under 49 CFR 1152, Subpart F seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment, discontinuance of service and trackage rights over the Provo Industrial Lead from milepost 753.27 near Provo to milepost 756.10 near Gatex, a distance of approximately 2.83 miles, in Utah County, Utah. A map depicting the rail line in relationship to the areas served is appended to the report. If the notice becomes effective, the Applicants will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

UPR states that the Line was constructed in 1873 by the Utah Southern Railroad Railroad. UPR states that no local traffic has moved over the Line in at least two years and that no formal complaint has been filed regarding cessation of rail service. The Applicant also states that current overhead traffic can be diverted to a parallel UPR rail line and that the availability of rail service will continue at Provo and Gatex. UPR describes the surrounding area as generally level and traversing both rural and urban areas with a majority of the Line passing through high-density urban communities.

UPR states that the property is suitable for public purposes including continued use as a public transportation corridor, including highway, trail, mass transportation, and energy transmission lines. UPR describes the area traversed by the rail line as consisting of federally granted right-of-way, portions of which are subject to reversionary interests.

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\* In the Environmental Assessment served on December 6, 2002 in this case, the description of the line was incorrect. This Environmental Assessment correctly describes the line.

UPR has sold the right-of-way to the Utah Transit Authority for potential future use as commuter rail transportation, however, UPR will retain an operating easement over the Line until abandonment authority has been granted.

UPR states that the Line contains one bridge that is 50 years old or older. However, UPR does not believe that the bridge structure is of unique construction and therefore not historic in nature. UPR also believes that any archaeological sites within the right-of-way would have been disturbed during initial rail line construction and that salvage activities should not adversely impact previously undisturbed archaeological sites.

## **ENVIRONMENTAL REVIEW**

UPR has submitted an environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UPR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

Comments have been received from the U.S. Department of Interior, Fish and Wildlife Service (FWS), U.S. Army Corps of Engineers(COE), the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), and the Utah Department of Environmental Quality - Water Quality Division.

The following agencies have been contacted, however, to date, comments have not been received: Utah Department of Environmental Quality - Hazardous Waste Division, U.S. Environmental Protection Agency - Region VIII, Nation Park Service, the U.S. Department of Commerce - National Geodetic Survey, the Utah State Historical Society, and the Utah County Commissioners.

### **Land Use**

The Utah County Commissioners have not completed their review.

The NRCS states that if rail abandonment activities are confined to the existing right-of-way that adjacent farmlands will not be impacted.

### **Water**

The COE has completed its review of the proposed abandonment and determined that a permit is not required.

The Utah Department of Environmental Quality - Water Quality Division stated that salvage activities would require UPR to obtain a Construction Stormwater Permit.

### **Biological Resources**

The FWS has completed its review of the proposed abandonment and has identified the following threatened and endangered species in the project area: Clay Phacelia, Deseret Milkvetch, Ute Ladies-tresses, Utah Valvata Snail, June Sucker, Bald Eagle, Western Yellow-Billed Cuckoo, and the Canada Lynx. However, because UPR does not intend to conduct any salvage activities, SEA believes that the project, as proposed, will not adversely impact any of the threatened and endangered species listed above. SEA has confirmed this conclusion with the FWS.

### **Cultural and Historic Resources**

The National Geodetic Survey (NGS) has completed its review of the proposed abandonment and identified two geodetic survey markers. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the marker in order to plan for their relocation.

The Utah State Historical Society has not completed its review of the Line.

### **Hazardous Waste Disposal**

The Utah Department of Environmental Quality - Hazardous Waste Division has not completed its review. Therefore, DEQ-HW requests that UPR consult with their office to identify all hazardous waste sites that may be located within the right-of-way prior to abandoning this Line.

### **CONDITIONS**

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

- 1. Union Pacific Railroad (UPR) shall notify the U.S. Department of Commerce, National Geodetic Survey (NGS) prior to any salvage activities that will disturb or destroy the two survey markers on the right-of-way. UPR will allow the NGS 90 days from the issuance of any decision granting abandonment authority in this proceeding to survey the rail line for any historical benchmarks or monumentation.**
- 2. The U.S. Fish and Wildlife Service (FWS) has expressed concern for the endangered June Sucker. Therefore, we recommend that if Union Pacific Railroad should salvage this rail line rather than convey it to the Utah Transit Authority, that a condition be placed on any decision granting abandonment authority prohibiting the railroad from**

**salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16, U.S.C. 1531.**

- 3. The Utah State Historical Society (SHPO) has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with SHPO and secure all necessary permits prior to initiation of salvage or disposal activities.**
- 4. The Utah Department of Environmental Quality - Hazardous Waste Division (DEQ-HW) has not completed its review of the proposed abandonment. Therefore, we recommend imposition of a condition requiring that Union Pacific Railroad, prior to abandoning its rail line, shall consult with DEQ-HW to identify all potential hazardous waste sites located on the railroad right-of-way.**
- 5. The Utah County Commissioners (County) have not completed their review of the proposed abandonment. Accordingly, we recommend that Union Pacific Railroad consult with the Counties prior to initiation of any salvage activities in order to address any concerns the Counties may have.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended environmental conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

Union Pacific Railroad intends to transfer ownership of the Line to the Utah Transit Authority for potential future commuter rail service.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 193X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1643.**

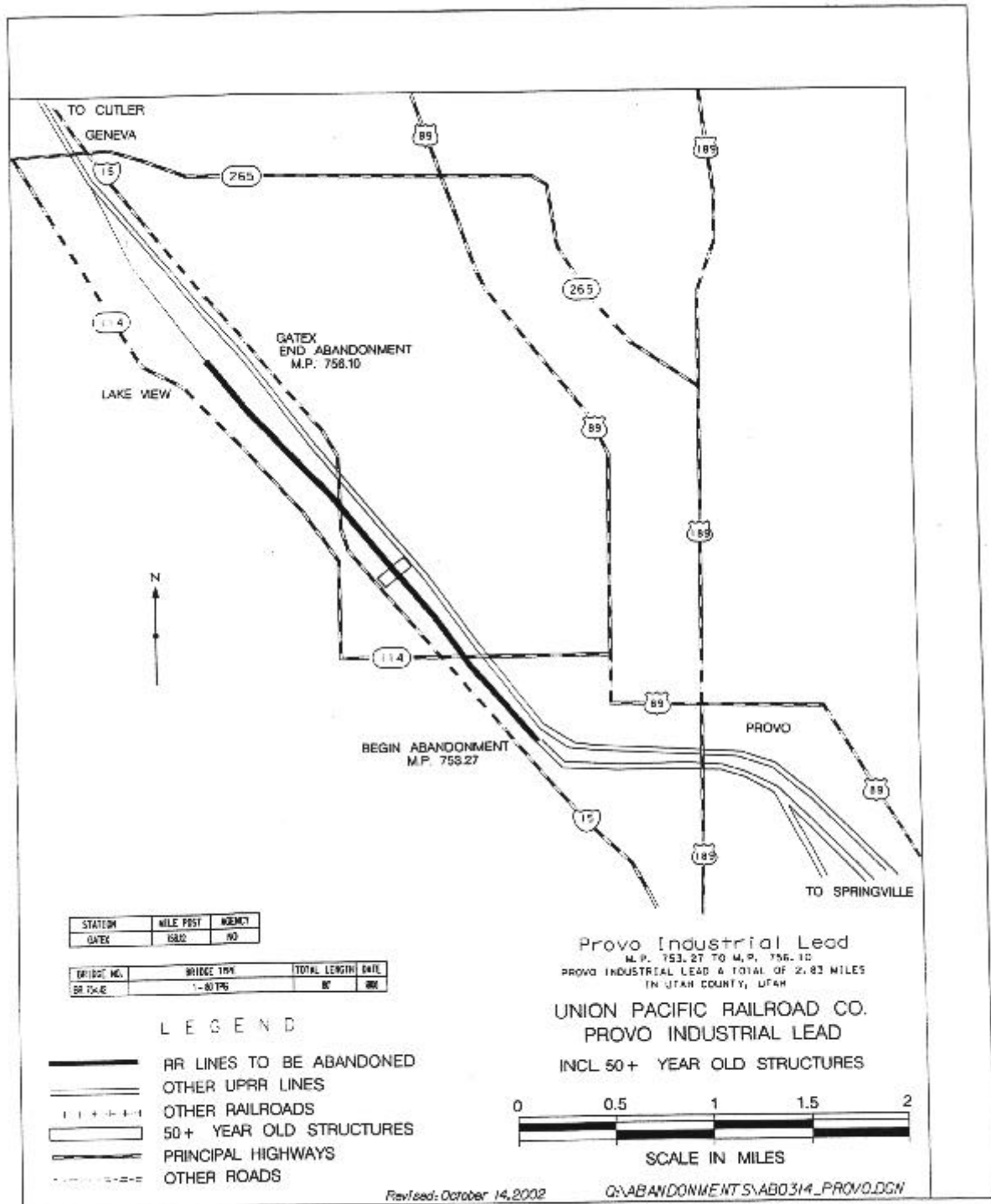
Date made available to the public: December 23, 2002.

Comment due date: **January 7, 2003 (15 days).**

By the Surface Transportation Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment



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